

REMARKS

The Examiner is thanked for his courtesy in acknowledging the entry of the Amendment filed June 26, 2004.

In paragraph 3 of the Office Action, claims 24-28 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Reconsideration is requested in view of this Amendment.

Claims 24 to 28 have been cancelled, and new claims 29 to 30 have been added, in order to point out the invention.

New claim 29, is a product claim that points out a modular laminate coating element, wherein said modular coating element is designed for coating floors and walls. In addition, claim 29 points out other distinctive features including the central layer and a top layer having respectively surface projecting and recessed patterns. Moreover, the top layer has, as a further distinctive feature, a top surface comprising a woven and dyed wool felt having smear resistant properties. The term "top layer" is not used twice in new claim 29 as it was in canceled claims 24 and 28 and the term "coupled" has not been used in a confusing repetitive manner. The spelling of the word "died" has been revised to read --dyed-- in new claim 29. For these reasons, it is requested that this ground of rejection be withdrawn.

In paragraph 5 of the Office Action, claims 24-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bender et al. (Bender).

Reconsideration is requested.

The Bender patent is not concerned with anti-smear surfaces and provides no guidance as to how to provide a surface with anti-smear properties.

In this respect, it is submitted that one skilled in art who is selecting materials for covering floors and walls, would not be directed to the induced to the insole art as a source of information because the insole art is not an analogous art to the art of making anti-smear surfaces.

The Examiner is contending that it "would have been obvious to one having ordinary skill in the art to add a stain resistant agent to the top layer of Bender et al in order to improve likelihood of avoiding stains". Applicant does not agree with this assertion of the Examiner because in fact, Bender discloses, at column 2 , lines 29 to 36, that:

"Appropriate covering materials may be flame-laminated to the surface of the sheet in accordance with the invention. In accordance with the invention, the costly use of adhesives may therefore be dispensed with. The adverse side effects which frequently attend the use of adhesives, such as staining or hardening of the surface, thus are not encountered in a sheet in accordance with the invention."

Accordingly, Bender specifically states that it is not necessary to provide anti-staining treatment of his sheet material. Accordingly, and as stated, one skilled in

the art would not have been induced to search through patents to provide Bender material with anti-stain properties.

Moreover, Bender, through his overall disclosure, considers his material as very comfortable for accommodating a foot: thus, in the light of the Bender document, one skilled in the art would not be induced to search further patents to provide means, as projections or recesses to better accommodate a foot as taught by Latzke. In this connection, Applicant desires to draw the attention of the Examiner to the fact that Latzke suggests that the outer top surface of his sole material be texturized by forming wedge or trapezoidal projections which project exclusively from the top surface of the sole material, i.e. the surface provided for contacting the users foot. This patent does not teach or suggest forming projections and recesses on a top face of central layer and a top surface of a top layer as clearly indicated by Applicant in new claim 29.

Accordingly, the projection and recess features recited in the newly presented claims are deemed to unobvious over the cited prior art.

New claim 30 points out the method for making the inventive product claimed in claim 29. In this connection, the Applicant desires to direct the Examiner's attention to the fact that the steps disclosed in new claim 30 could not have been deduced from any of the prior art patents of record.

Thus, allowance of new claim 30 is respectfully solicited.

In view of the foregoing discussion allowance of the application is requested.

An early and favorable action is earnestly
solicited.

Respectfully submitted,



James V. Costigan
Registration No. 25,669

MAILING ADDRESS

HEDMAN & COSTIGAN, P.C.
1185 Avenue of the Americas
New York, New York 10036
(212) 302-8989

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correspondence is being
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